

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Return Date: July 31, 2007 9:30 am

IN RE:

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AFFIDAVIT IN OPPOSITION
OF MOTION TO LIFT
AUTOMATIC STAY

CHRISTOPHER W. SCHUESSLER
BOBBI ANN SCHUESSLER

CHAPTER7

CASE NO. 07-35608

Debtor

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STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

Hon. Cecelia G. Morris

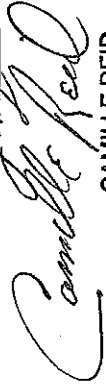
CHRISTOPHER W. SCHUESSLER, being duly sworn deposes and states:

1. I am one of the debtors and as such is fully familiar with the facts hereinafter stated except for those matters stated "upon information and belief" and as to those matters, I believe them to be true.
2. I make this affidavit in opposition to the Motion brought by the mortgagee seeking a termination of the automatic stay.
3. Claimant states that as of the 29th day of June we failed to make the May mortgage payment and the June payment.
4. Attached hereto is a copy of the confirmation from Chase that the May payment was made in the sum of \$2,110.99 on May 25, 2007.
5. I tried to pay June's mortgage payment at the branch again, but the payment would not go through.
6. Mr. Doyle at the branch could not find the reason, so I called and spoke with Jennifer at the Bankruptcy Department who advised me that I am not allowed to pay by phone or at the branch, that I must mail payments to them.
7. On June 29, 2007 I mailed a check in the sum of \$2,100.00 Check #124 which check has not cleared the bank as of today.

WHEREFORE, this debtor prays that this Court deny the Motion in its entirety and for such other and further relief as to the court may seem just and proper.

Sworn to before me this

11 day of July, 2007



CAMILLE REID
Notary Public, State of New York
No. 01RE4780695
Qualified in Ulster County
Commission Expires May 31, 2011


CHRISTOPHER W. SCHUESSLER

TO:

Steven J. Baum, P.C.
Attorneys for CHASE
Dessis Jose, Esq.
900 Merchant's Concourse, Suite 412
Westbury, NY 11590

Paul L. Banner, Esq., Trustee
143 Boardman Road
Poughkeepsie, NY 12603

U.S. Trustee
74 Chapel Street
Albany, NY 12207

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

AFFIDAVIT IN OPPOSITION OF
MOTION TO LIFT AUTOMATIC STAY

CHRISTOPHER W. SCHUESSLER and
BOBBI ANN SCHUESSLER

CHAPTER 7
CASE NO. 07-35608

Debtors

HON. CECELIA G. MORRIS

STATE OF NEW YORK)

)ss:

COUNTY OF ORANGE)

JOHN J. FALLON, an attorney admitted to practice in the courts of New York State,

affirm the following under penalties of perjury:

1. I am a member of the law firm of McADAM & FALLON, P.C., attorneys for the debtors herein and am fully familiar with the facts and circumstances of this action.
2. A motion to lift the automatic stay afforded to the debtors has been made by the creditor CHASE HOME FINANCE, LLC, by its attorney Dennis Jose, Esq. of the law firm STEVEN J. BAUM, P.C. which motion is returnable July 31, 2007.

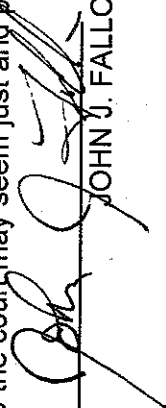
3. The motion claims the debtors have not made their post petition May and June mortgage payments.

4. Based on the attached receipt and the attached Affidavit of

CHRISTOPHER W. SCHUESSLER, one of the debtors, the May mortgage payment was made at the bank, and the June mortgage payment was refused at the bank and subsequently mailed at the direction of the bank to the creditor at the address given to debtor by the bank.

WHEREFORE, it is respectfully requested that the Motion be denied in its entirety, and for such other and further relief as to the court may seem just and proper.

Dated: July 12, 2007


JOHN J. FALLON

CH

CHASE

Open a Home Equity Line of Credit,
Consolidate your bills,
Remodel your home, Pay for college,
Talk to a Personal Banker today!

CHASE

My Transaction Summary

Transaction #173
Account Number Ending in: 0840
Payment- Mortgage \$2,110.98

CHASE

JPMorgan Chase Bank, N.A.
Goshen (Canal & Church), Branch 00443
1-800-935-9935
Member FDIC, Equal Housing Lender
Please keep your receipt
05/25/2007 17:56

Business Date 05/25/2007
Session #80

Thank you ~ Tiffany
Cashbox #81

CHASE

Camille,

Above is the payment for May which I made at the branch. I tried to pay June's at the branch and the payment would not go through. I spoke to a gentleman Mr. Doyle at the branch and he did not know why. I called on Monday and spoke to Jennifer @ the bankruptcy department. She advised that I am not allowed to pay by phone or at the branch. I must mail payments to them. I mailed them check # 145 for 2100.00 on 6/29/07. This has not cleared the bank yet.

Bobbi Ann